

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CAROLINA CASUALTY INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	
VS.)	3:07-CV-0584-G
)	
JAMES SOWELL COMPANY, L.P.,)	ECF
ET AL.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

This case alleges diversity of citizenship as the basis for subject matter jurisdiction. Carolina Casualty Insurance Company's Complaint and Request for Declaratory Judgment ¶ 6. The plaintiff is alleged to be a citizen of Florida. *Id.* ¶ 1. The defendant James Sowell Company, L.P. ("Sowell") is alleged to be a Texas limited partnership. *Id.* ¶ 2. The defendant Doussan Gas & Supply, Inc. ("DGS"), also known as Dous, LLC, is alleged to be a Texas limited liability company. *Id.* ¶ 4.

The citizenship of a limited partnership such as Sowell is determined by the citizenship of its member/partners. *Carden v. Arkoma Associates*, 494 U.S. 185 (1990).

The same rule applies to limited liability companies such as DGS. *E.g., Wise v. Wachovia Securities, LLC*, 450 F.3d 265, 267 (7th Cir.), *cert. denied*, ___ U.S. ___, 127 S. Ct. 582 (2006); *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); *Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc.*, 435 F.3d 51, 54-55 (1st Cir. 2006). Accordingly, without knowing the citizenship of the constituent members of these defendants, the court cannot determine the citizenship of these defendants and thus whether there is complete diversity of citizenship between the parties.

Within ten days of this date, the plaintiff shall electronically file and serve an amended complaint alleging the names and citizenship of all the members (*i.e.*, partners or owners) of these defendants. Failure to timely file and serve such an amended complaint will result in dismissal of this case, without further notice, for lack of subject matter jurisdiction.

SO ORDERED.

July 25, 2007.



A. JOE FISH
CHIEF JUDGE